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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,724	10/01/2004	Siebre Josephus Schaafsma	P15195-US1	9925
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ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER HOANG, DANIEL L	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 08/07/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/509,724

Applicant(s)

SCHAAFSMA, SIEBREN  
JOSEPHUS

Examiner

Daniel L. Hoang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-36 and 38-40 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 21-36 is/are rejected.  
7) ☐ Claim(s) 38-40 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 21-36 and 38-40 are currently pending.

### ***Response to Arguments***

Applicant's arguments, see page 6, filed 4/24/07, with respect to the rejection(s) of claim(s) 21-37 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of well known practices in the art.

### **CLAIM REJECTIONS**

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 21, 27, and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Said claims recite "means for generating a key necessary for decrypting the encrypted second part". Applicant cites that support for this limitation is found in figure 3 and in paragraphs 72-78 of the subject application. Examiner respectfully disagrees. Figure 3 shows "a schematic example of a network architecture and data flow according to a second embodiment of the invention". Although the specification discloses that a key is sent via a third network, the specification does not disclose any means for generating said key. Appropriate correction is required.

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2. Claims 21, 27, and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Said claims recite "means for generating a key necessary for decrypting the encrypted second part". The specification does not disclose any specific means to generate said key. Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 21, 27, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Said claims recite "means for generating a key necessary for decrypting the encrypted second part". Examiner asserts that since there may exist numerous ways to generate a decryption key, the lack of any specifically disclosed means for generating said key renders the claim indefinite. For purposes of examination, examiner interprets the claim to encompass any desirable key generation means. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-36 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzeja, US Patent No. 6633982.

**As per claim 21, 27, 31:**

A sender for transmitting a content file to a receiver, said sender comprising:

means for dividing the content file into a first part and a second part;

*[see col. 2, lines 28-30] "the specialized software at computer station one (FIG. 2) will separate certain elements from the movie before encryption and compression."*

means for sending the first part to the receiver;

*[see col. 2, lines 35-37] "the remaining bifurcated elements of the movie encrypted and condensed for transmission via a digital satellite up-link."*

means for encrypting the second part without using the at least one cache server; and

*[see col. 2, lines 31-34] "Those elements best suited for transmission via the Internet (sound and several randomly selected elements of the movie) will be separated, then after encryption and compression, will be dispatched to a secure site on the world wide web."*

means for sending the encrypted second part to the receiver.

*[see col. 2, lines 37-39] "The data from both synchronized concurrent transmissions (Internet and satellite) will then be processed at the receiver station two."*

*Kurzeja does not teach that the first part is sent to the receiver "via at least one cache server." As evident by the background of applicant's specification, "caching memories are frequently used in network systems in order to achieve a faster and more efficient data transmission." It would have been obvious at the time of the invention to one of ordinary skill in the art to which the subject matter pertains to send the first part of the content to the receiver via satellite from a cache server so that the data can be easily and quickly accessed, thus resulting in faster and more efficient data transmission.*

*Kurzeja also does not teach generation of a decryption key for decrypting the encrypted data. Decryption keys are well known in the art. It would have been obvious at the time of the invention to one of ordinary skill in the art to which the subject matter pertains to modify the Kurzeja invention to include generation of a decryption key. One would be motivated to do this so that the end user would be able to decrypt any encrypted data in order to make it possible for viewing. It would be further obvious to make the decryption key available to the end user via a third network, as opposed to generation of the key by the sender or the end user, because 1) the end user or sender may not have the applicable system*

*requirements to generate said key, and 2) generating the key at a third network would make the overall system more secure and possibly more efficient.*

**As per claim 22, 32:**

The sender of claim 21, further comprising means for sending the encrypted second part via a different network than the first part.

*[see rejection of claim 21, wherein the first part is sent via satellite and the second part is sent via the Internet.]*

**As per claim 23, 33:**

The sender of claim 21, wherein said encrypted second part comprises vital data of said content file.

*[see col. 2, lines 43-45] "even if the scrambled satellite signal were pirated and the encryption code broken, the film would be virtually worthless without the missing elements."*

**As per claim 24, 34:**

The sender of claim 21, wherein the first part comprises video data and the encrypted second part comprises audio data, or the first part comprises audio data and the encrypted second part comprises video data.

*[see rejection of claim 21, wherein the second part is "sound" and the first part is "remaining bifurcated elements"]*

**As per claim 25, 35:**

The sender of claim 21, wherein said sender is arranged to transmit said content file using a streaming protocol.

*It is well known in the art that the Internet is capable of implementing streaming protocols, (see US Patent No. 6,785,688, Abajian et al). It would have been obvious at the time of the invention to one of*

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*ordinary skill in the art to utilize streaming content so that the user can view content continuously as it is being delivered by the sender.*

**As per claim 26, 36:**

The sender of claim 21, wherein encrypted data in the encrypted second part comprises predetermined frequency components of the content file.

*[see col. 1] "if the pirate is successful in cracking the encryption code of the satellite feed, the best case scenario is possession of a fragmented soundless movie."*

*Examiner is interpreting the sound as a frequency component.*

**As per claim 28:**

The telecommunication system of claim 27, further comprising at least one receiver arranged for communicating with said sender via the at least one cache server and for communicating with said sender without using a cache server.

*The Kurzeja reference has been discussed above. It is clear that the receiver communicates with the sender in order to receive content. But Kurzeja is mute in teaching that the receiver is arranged to communicate with the sender via at least one cache server. Although the cache server residing on the satellite component of the system transmits data to the receiver, Kurzeja does not explicitly teach that the receiver initiates or replies with any communication of its own. It would have been obvious at the time of the invention to one of ordinary skill in the art to allow the sender to have the ability to communicate with the sender via the cache server. First off, being able to communicate with the cache server allows the receiver to request content directly from the cache server. But in the event that the cache server is unable to supply the content that the receiver requests, it would be beneficial to notify the sender so that the appropriate content may be transmitted to the cache server and then to the receiver.*

**As per claim 29:**

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The telecommunication system of claim 28, wherein said at least one cache server is arranged for communicating with more than one sender, said more than one sender using the same or different encryption.

*The Kurzeja reference has been discussed above. Kurzeja does not teach that the cache server is arranged to communicate with more than one sender. It would have been obvious at the time of the invention to one of ordinary skill in the art to which the subject matter pertains to modify the Kurzeja invention so that the cache servers can communicate with more than one sender. This would be beneficial because having access to only one sender may limit the speed and efficiency of the system. Allowing the cache servers to communicate with more than one server gives the system the ability to request content from other senders in case the first sender is overloaded or down for maintenance. This would reduce upon the overall downtime of the system.*

*In reference to the limitation "said more than one sender using the same or different encryption," as it is evident by applicant's disclosure within the background of applicant's specification, it would have been obvious to one of ordinary skill in the art to encrypt data so that only intended recipients may decrypt it.*

**As per claim 30:**

The telecommunication system of claim 28, wherein said at least one cache server is arranged for communicating with more than one sender, said more than one sender using watermark techniques.

*[see rejection of claim 29, further, as it is evident by applicant's disclosure in the background of the specification, it would have been obvious at the time of the invention to one of ordinary skill in the art to which the subject matter pertains to watermark data in order to protect it against illegal distribution.]*

**Allowable Subject Matter**

Claims 38-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any



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intervening claims as well as to overcome the 35 USC 112 first and second paragraph rejections of the respective independent claims.

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### CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**The following patents and pre-grant publications are cited to further show the current state of the art with respect to secure data transmission.**

US Patent No. 6377690 which is cited to show safe transmission of broadband data messages.

US Patent No. 6828545 which is cited to show network content access control.

\*. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
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**Hand-delivered responses** should be brought to

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401 Dulaney Street  
Alexandria, VA 22314

\* Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).*



Daniel L. Hoang  
7/23/07

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7,23,07